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State of Good Hope

Parliament

Legislative Council

Select Committee on the
Inebriates Act
Amendment Bill, 1902

Report

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CAPE OF GOOD HOPE.

REPORT

OF THE

SELECT COMMITTEE

ON THE

INEBRIATES ACT AMENDMENT
BILL, 1902.

Appointed by Order of the Legislative Council.

OCTOBER, 1902.

CAPE TOWN

“CAPE TIMES” LIMITED, ST. GEORGE'S STREET.

1902.

ORDER OF COUNCIL.

13th October, 1902.

ORDERED :—That the Order for the Second Reading of the Incbrates Act Amendment Bill be discharged and the Bill be referred to a Select Committee, consisting of the President, the Attorney-General, Messrs. Maasdorp, Mulder, Wilmot, and De Wet (Mover).

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REPORT

OF THE

SELECT COMMITTEE appointed by Order of the Legislative Council, dated 13th October, 1902, to consider and report upon the *Inebriates Act Amendment Bill*; the Committee to have power to take evidence and call for papers, and to consist of His Honour the PRESIDENT, the Honourable the ATTORNEY-GENERAL, Messrs. MAASDORP, MULDER, WILMOT and DE WET.

Your Committee have examined Dr. A. J. Gregory, Medical Officer of Health for the Colony, and have carefully considered the provisions of the Bill submitted to them for report. They are satisfied that the existing law relating to inebriates requires considerable amendment, and that the Bill submitted to them, with certain omissions, which will be found in the Amended Bill submitted to Your Honourable House, would effect a great improvement in the law. They would accordingly recommend the adoption by the Council of the Bill as amended by them.

J. H. DE VILLIERS,

Chairman.

Legislative Council
Committee Rooms,
27th October, 1902.

RAPPORT

VAN HET

GEKOZEN COMITE, aangesteld op last van den Wetgevenden Raad, den 13den October, 1902, ter overweging van en ter uitbrenging van verslag over de Dronkaards Wet Amendement Wetsontwerp. Het Comité de macht te hebben getuigenis in te winnen en om papieren te vragen, en te bestaan uit den PRESIDENT, Zijn Edeler den PROCUREUR-GENERAAL, de Heeren MAASDORP, MULDER, WILMOT en DE WET.

Uw Comité heeft Dr. A. J. Gregory, Medische Gezondheids Beambte voor de Kolonie, verhoord, en heeft zorgvuldig overwogen de bepalingen van het Wetsontwerp, naar hen verwezen voor rapport. Zij zijn er van overtuigd dat de bestaande wet, betrekking hebbende op Dronkaards, aanmerkelijke wijziging vereischt en dat het Wetsontwerp, hun voorgelegd, met zekere uitlatingen, die gevonden zullen worden in het Geamendeerde Wetsontwerp, Uw Edel Huis voorgelegd, een groote verbetering in de wet teweeg brengen zal.

Dienvolgens wenschen zij de aanname door den Raad van het Wetsontwerp, zooals door hen geamendeerd, aan te bevelen.

J. H. DE VILLIERS,
Voorzitter.

Wetgevende Raad.
Comité Kamers.
27 October 1902.

SCHEDULE OF PROPOSED AMENDMENTS.

Clause One : Omit paragraphs 1 and 2.

Clause Two : Omit the whole.

Clause Five : Omit the whole.

Clause Six : Omit part (2).

Clause Seven : Omit all the words after " District " in line 7.

Clause Eight, part (1) : In sub-section (a) omit all the words after " Retreat."

Clause Nine, part (1) : Omit all the words after " established " in line 36.

Clause Ten : Substitute " state " for " certified " in line 60 ; and omit all the words after " Reformatory " in the same line.

Clause Eleven : Omit all the words after " licence " in line 2, page 3 ; and insert : " So much of the Convict Stations and Prisons Management Act, 1888, including the penal provisions thereof, as the Governor may from time to time decide to apply, shall apply, *mutatis mutandis*, in the case of any such reformatory as if it were a prison."

Clauses Twelve, Thirteen, Fourteen, Fifteen, Sixteen, and Seventeen : Omit the whole.

Clause Eighteen (part I) : Omit " of certified " after " state " in line 61 ; and omit the whole of part (2).

PROCEEDINGS OF COMMITTEE.

SELECT COMMITTEE on the Inebriates Act Amendment Bill
[C.B. 2—'02] consisting of the PRESIDENT, the HONOURABLE
the ATTORNEY-GENERAL, Messrs. WILMOT, MULDER, MAAS-
DORP and DE WET.

Thursday, 23rd October, 1902.

PRESENT :

The President.		Mr. Maasdorp.
Mr. Wilmot.		Mr. Mulder.
Mr. de Wet.		

The Clerk read the Order of Council, dated the 13th October, 1902, appointing the Committee.

Resolved : That the President be Chairman.

The Clerk laid on the Table copies of *The Inebriates Act Amendment Bill* [C.B. 2—'02.] (Vide Appendix A).

Dr. A. J. Gregory, Medical Officer of Health for the Colony' examined.

The Committee proceeded to consider the clauses of the Bill.

Clause One read.

Resolved : To omit all words from "the" in line 5 to "detention" in line 13.

Clause Two put and negatived.

Clauses Three and Four put and agreed to.

Clause Five put and negatived.

Clause Six, Part 1, put and agreed to.

Clause Six, Part 2, put and negatived.

Clause Seven read.

Resolved : In Part 1, to omit all words after "District" in line 7 to "Minister" in line 8.

Part 2 put and agreed to.

Clause Eight read.

Resolved : In Part 1, to omit all words after "retreat" in line 13.

Clause Nine read.

Resolved : In Part 1 to omit lines 37 and 38.

Part 2 put and agreed to.

Clause Ten read.

Resolved : To insert " State " in lieu of " certified " in line 60, and to omit all words after " Reformatory " in the same line.

Clause Eleven read.

Resolved : To omit all words after " licence " in lines 2 and 3 (page 3), and to insert " shall " in lieu of " should " in line 6.

Clauses Twelve, Thirteen, Fourteen, Fifteen, Sixteen and Seventeen put and negatived.

Clause Eighteen read.

Resolved : In Part I, to omit " of certified " in line 61 and to omit Part 2, sub-sections (a) and (b).

Committee in deliberation.

Resolved : That the Chairman draft a Report, to be considered at the next meeting of the Committee.

The Committee adjourned until Monday, the 27th instant, at 10.30 a.m.

Monday, 27th October, 1962.

PRESENT :

The President.
Mr. Wilmot.
Mr. de Wet.

Mr. Maasdorp.
Mr. Mulder.

In the absence of the President,

Resolved : That Mr. de Wet be Chairman.

Minutes of former meeting read and confirmed.

The Clerk read the Draft Report.

Resolved : That the Report be adopted.

The President here entered the room, and Mr. de Wet vacated the Chair.

The President in the Chair.

The Chairman read a letter from the Medical Officer of Health for the Colony.

Committee in deliberation.

Resolved : To adopt the recommendation of Dr. Gregory as contained in his letter, viz., to omit lines 4, 5, 6 and 7, page 3, in Clause Nine, and to substitute, in lieu thereof, so much of " The Convict Stations and Prisons Management Act, 1888," including the penal provisions thereof, as the Governor may from time to time decide to apply, shall apply, *mutatis mutandis*, in the case of any such reformatory as if it were a prison.

The Committee then adjourned.

MINUTES OF EVIDENCE.

SELECT COMMITTEE ON THE INEBRIATES ACT AMENDMENT BILL.

Thursday, 23rd October, 1902.

PRESENT :

THE RIGHT HON. SIR J. H. DE VILLIERS (Chairman).

Mr. Wilmot.

Mr. De Wet.

Mr. Maasdorpe.

Mr. Mulder.

Dr. Alfred John Gregory, examined.

1. *Chairman.*] Have you read the Bill that is before the Council and upon which this Committee has to report?—Yes.

Dr.
A. J. Gregory
—
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2. Have you enquired into the desirability of establishing reformatories such as are recommended in the Bill?—I have been acquainted for some time with the results of the working of a similar measure in Great Britain; not, of course, practically, but from blue books and reports and from information of that description.

3. How long have you been in this Colony?—Eleven years.

4. And what is your position?—Medical Officer of Health for the Colony.

5. And from your experience in this country have you been able to form any conclusion as to the advisability of establishing reformatories of this nature here?—I think a certain amount of improvement would result if a proper reformatory were available under Government. Of course there is at the present time something that

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approaches a reformatory. The Liquor Act provides that if a person has been convicted four times for drunkenness he can be committed for twelve months to gaol, and the Convict Administration in dealing with that class of prisoner has established a special place at Tokai, in connection with the convict station there, where these inebriates are sent. But of course it is somewhat crude, and there is no provision there for proper classification. Of course it is only the derelicts and the practically incurable that ever get there. Mr. Orpen, the Superintendent of the Tokai Convict Station, reports that during last year there were 24 European and 51 coloured prisoners received into the inebriate section of the station, or a total of 75. Of these 75 admissions during the year 12 were English, 5 Irish, 4 Scotch, 1 Russian Jew, 2 Swedes, 10 Kaffirs, 38 Hottentots, 1 Koranna, and 2 Mozambique. As regards their conjugal condition 21 were married, 49 single, and 5 widowers. Mr. Orpen gives a number of other tables showing the districts from which they have come, &c. (Tables put in.) The general experience has been, I think, that no very great improvement has resulted. There has been a tendency for them to relapse when they come out, and many of the prisoners have been convicted over and over again. Of course it must be understood that these men were only taken at the end of their career when they are hopeless. I don't know what the ages of the men are, but they were certainly great wrecks when taken in.

6. Under the present Act they can be imprisoned for one year only?—Yes.

7. Well, the tenth section of this Bill provides that they should be liable to be detained in an Inebriate Reformatory for three years. Do you think that would be an improvement?—Yes, that would be an improvement. It is difficult to speak decidedly yet, as the extended period has only been adopted in England quite recently. It was introduced by the Inebriates Act of 1898, so that

there has been no time to know how far the working of that has been satisfactory, but the general experience in England has been that one year is not sufficient.

8. To effect a thorough reformation a longer period of abstinence is required?—In many cases.

9. In regard to those sent to the Inebriate Station at Tokai can you state whether they were sent there soon after their conviction or near the end of their term of imprisonment?—They were all sent there at once.

10. So that they were there for the full year?—Yes, for nearly the full year.

11. So that they had a fair trial of a year's detention?—Yes, but it must be remembered that they are convicts pure and simple. There is a little distinction made in the labour, that is to say, they are employed in the garden, instead of being hired out to farmers, and they also occupy separate quarters, quite distinct from the other convicts, so as to make them feel as far as possible that they do not come in the same class as the ordinary convict.

12. Is there any classification among themselves?—The whites are kept separate from the coloured and natives, but there is nothing in the nature of what you may call medical classification.

13. Is there any similar reformatory for women?—No, such women go to the House of Correction.

14. Can you state whether there are many detained there?—I cannot give you the numbers from memory, but I don't think there are many.

15. But we can easily get the figures?—Yes, they can be supplied from the office. Of course, this last year is not a fair test in dealing with these cases, because owing to the existence of Martial Law and the liquor restrictions imposed under it, the whole face of things has been altered. For instance the Magistrates have been reporting that among the habitual drunkards who were always soaking there has been a tendency now to have a burst instead. They had enforced abstinence under Martial Law, but whenever the opportunity occurred, they have broken out and run riot.

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Dr.
A. J. Gregory
—
Oct. 23, 1902.

16. Are you able to say what the proportion of cures has been in England in these reformatories?

—I cannot say.

17. I suppose for the purpose of a thorough cure, abstention is absolutely necessary for a long period?—Yes, it is in many cases.

18. Is there anything else you would like to bring to our notice?—I think that if Inebriate Reformatories are established there should be only one class, that is a State Reformatory, and there should not be private Inebriate Reformatories such as this Act contemplates—that is the establishment of reformatories by Municipalities, Boroughs, or Corporate Towns, or by any person desirous of establishing an Inebriate Reformatory. I think that, in accordance with the policy pursued throughout in this Colony, where persons are compulsorily detained the institution in which they are detained should be under Government control. With lunatics, for instance, every effort is made to discountenance the confining of any such persons in private homes. In some cases where only one or at most two patients are kept it is allowed, but there is nothing approaching private lunatic asylums in this Colony such as you have in England. I think the general experience in England is that private lunatic asylums should be abolished, and there is now a very great difficulty there in procuring new licences for such.

19. But that is in regard to lunatics?—Yes, but the same thing holds even more forcibly in the case of a criminal. Here is a man convicted of a criminal offence, and surely he ought to be sent to a State Reformatory and not to a reformatory that is kept by private persons.

20. But are people likely to go voluntarily to such a reformatory? Are they not more likely to go voluntarily to a private reformatory?—That is so, but this Bill deals with two classes. It deals with Inebriate Homes and Inebriate Reformatories, and it is in regard to the latter, where convicted persons would be sent compulsorily, that I am

speaking. The homes are voluntary ones, where people go voluntarily.

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21. *Mr. Wilmot.*] And you are not against these homes?—Oh, no, I am strongly in favour of them. They are already provided for by our existing law, Act No. 32 of 1896, but under this Act they can go in and be confined for one year only. This Bill amends that Act and increases the period to two years.

22. *Chairman.*] Then what you object to is what is provided by Section 12 of the Bill?—Yes.

23. Certified Inebriates' Reformatories?—Yes, these I think should not be allowed. Of course the Minister has the power not to grant a licence, but it is well known that where the law provides for the granting of a licence by the Minister it is difficult for the Minister to refuse the licence if all the other conditions are fulfilled. Of course, Inebriate Homes are far better not under the State at all, but I may point out that although Act 32 of 1896 has been in force all these years there appears to have been no private home established under it yet.

24. The Home of the Salvation Army is not under the Act?—I do not think any houses are licensed under the Act.

25. Do you consider that only convicted persons should be sent to such reformatories?—Yes, quite so, only convicted persons can be sent.

26. What danger would there be in those Certified Reformatories? Because in a case of lunacy I can understand that there may be persons who, from interested motives, may get people placed in these lunatic asylums, but there is no danger of persons, not inebriates, being sent, because it requires a certain number of persons before they can be sent. Is that not a sufficient guarantee that only persons who ought to be sent shall be sent?—Quite so, as regards admission, but the moment you take away a person's liberty compulsorily there should be very strong safeguards that they will be properly treated while under detention.

Dr
A. J. Gregory : 27. Well, but it is proposed to have Government
Oct. 23, 1902. inspectors to inspect these places?—Of course.
The only thing that approaches to it in this Colony
is the Homes for destitute children.

28. Well, but we have also convict establishments on farms?—Oh yes, but these are properly proclaimed penal establishments, under the Government, but that is not a very good case in point. It is only because they are proclaimed and they are under the Convicts and Prisons Act that we are enabled to get proper accommodation, proper sanitation, and proper control.

29. The proposal of the Bill is that the Minister should frame regulations in regard to the establishment, and management, and inspection of Certified Inebriate Reformatories, the classification of the inmates, the transfer of inmates from one reformatory to another, and so on, and the Minister may appoint inspectors to these reformatories, and assign such remuneration as he may determine. Do you consider that that would be a sufficient safeguard against abuse?—On paper it is very well, but is often very difficult to carry out. In the case of destitute children for instance. There are a certain number of private homes established under the Act where children can be sent by a Magistrate until they reach a certain age. The Government has, in spite of such powers as you mention, had some difficulty in controlling such institutions, in this respect, that as a rule they are very poor, and they have not got money enough to do things properly, and I assure you, we have even had a difficulty in getting sufficient clean towels for the children to provide them with proper means of washing, and so on.

30. But the Bill I take it, that you consider that you are in favour of this Bill, with the exception of the clause relating to Certified Inebriates' Reformatories?—Yes, I think all penal establishments should be under the State.

31. And you consider that there are sufficient safeguards in the Bill, in regard to the Inebriate

Reformatories that are proposed, to prevent abuse?
—The State ones?

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A. J. Gregory

32. Yes?—Oh, yes, they would, subject to certain modifications, come under the ordinary Convict and Prisons Law, and be administered by the Convicts and Prisons Administration.

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33. *Mr. Wilmot.*] At present at Tokai there are no distinctly curative methods applied to these poor people who are sent there after being four times “drunk”?—No, there is very little curative treatment applied to them.

34. But you can see the way, I suppose, if this Bill become law, in which the Government may adopt, as in England so here, any special curative treatment, under Dr. Braithwaite’s plan for instance?—Oh yes, that may be done.

35. And, I suppose, under Dr. Braithwaite’s system there is a fair percentage of cures in England?—Under the Homes there is a certain amount of cure, but of course the inmates of these Homes all go in directly of their own freewill, which, of course, implies that the patient still has a certain amount of moral power left, and is therefore more likely to be cured.

36. I mean also in those instances where the people are forced to go, because they are sent as criminals?—Yes, there is a certain percentage, I believe.

37. *Mr. Mulder.*] Do you know anything about the Keeley treatment of inebriates?—There are a number of such “cures.” I think altogether there are about thirty of these secret “cures.” The British Medical Association appointed a commission of medical men to make enquiries into these so-called cures, and the net result was there was very little information one way or another about them to be got, except that they were all very expensive, and they were all secret, and there is no doubt a number of them, at any rate, were pure charlatancy.

38. Have you seen the notice of the Keeley treatment that appears in the “Strand Magazine?”

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—
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—The advertisement? Oh yes; the Keeley cure was the one that started these cures; and it was because so much money was made that all these “cures” followed on.

39. So that you do not put much faith in them? —I cannot put much faith in them: we do not believe in anything that will not bear examination in the light of day.

40. *Mr. Wilmot.*] It is not likely that medical practitioners would?—Oh yes, but a lot of these cures do a good deal of harm. These secret cures have a tremendous sale in England and elsewhere, especially secret remedies that can be added to the drunkard’s food by the wife, and he consumes it and is supposed not to know anything about it. There is a tremendous amount of misery, as you can quite imagine, misery and disappointment that result from such stuff.

41. *Mr. Maasdorp.*] Do you think that all establishments of this nature should be entirely under Government control; that there should be no private establishments at all for them to go to voluntarily?—I do not think that. There are two classes of establishments, the Voluntary Home which this Bill and the existing Act of 1896 deal with as an Inebriate Home. That is more in the nature of a hospital, except that the inmate is bound to remain there for a year, and under this Bill he will be bound to remain there for two years if necessary, once he has signified his consent to go in. That I thoroughly believe should be a private institution under Government inspection. But this Bill also provides for criminal institutions, which are Inebriate Reformatories, and these, being penal establishments, should be absolutely under the State.

42. In what respect would they differ from the present arrangements?—They would not differ except that they would be run on better and more scientific lines. At the present time the inebriates consist of old derelicts, those whom the Magistrate as a last resort has convicted and sent to prison.

and in administering the Convict and Prisons Act we have tried, although they are really convicts, to separate them in dealing with them at Tokai, but that is only a small step in the direction of what ought to be done on a very much larger and better scale. I have been informed from time to time that Magistrates won't convict under that law, because there is no really suitable place that they can be sent to.

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43. I was just going to ask that question. You would also secure a larger number of these people than you secure to any extent now, the people that go to Tokai of the criminal class?—And they are classed, I think, as such, and it is under the Departmental system of working that they are removed from the criminal classes.

44. There are a large number of men that do not belong to the criminal class, men in respectable walks of life, men who would not come forward voluntarily and go to the homes you speak of for inebriates: you would not be able by an enactment of this kind to get at these people at all for the purpose of putting them in a reformatory?—Not by this Act.

45. Nor any other Act?—There are Acts. There is an Act in England, I think, and there is an Act in most of the Australian Colonies under which the wife or the friends can make an affidavit that the man is an habitual drunkard, and that he is squandering his estate, and it is inquired into, and if the charge is correct then the Magistrate may commit him to a home for a year, just an ordinary home such as he might have gone into voluntarily if he had preferred it.

46. I suppose you want us to understand that if there were a proper establishment in the country the relations of such unfortunate people would come forward voluntarily for the purpose of having such people put into these places, whereas now they are not of such a class, and it is only the degraded criminal that you can at all get into a reformatory?—Quite so. Personally, I have a

Dr. number of instances where it would have been
A. J. Gregory immensely to a man's benefit if he could have
Oct. 23, 1902. been sent to an Inebriates' Home. Under the
Liquor Licensing Act when a man has been convicted for drunkenness a certain number of times the Magistrate may issue an order to all sellers of liquor in the district prohibiting them from serving that person with liquor, and the practice is to post the name up in the liquor bars. Even this measure is of use in many cases. I remember the case of a medical man. This man was posted in the bars in his own district, and it did him an immense amount of good. I have known men in the Service who have been liable to occasional outbreaks, and if it could have been stopped for a time they might have recovered themselves. I have known cases where they have recovered themselves and have pulled up, when put under voluntary friendly restraint.

APPENDIX.

[A.]

BILL

TO

Amend the Law relating to the Control and Cure of Inebriates.

Be it enacted by the Governor of the Cape of Good Hope with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :

PRELIMINARY.

1. In this Act, unless the context otherwise requires,

The expression “managers” in relation to a certified inebriate reformatory shall mean any persons having the management or control of the reformatory :

The expression “expenses” in relation to the detention of a person in a certified inebriate reformatory, shall include the expenses of his custody and maintenance, whether in the reformatory or when absent therefrom under licence, and any other expenses directed by this Act, or by any order made thereunder to be defrayed by the managers, and also any expenses incurred by the managers in assisting him to return to his home or place of settlement on the expiration of his term of detention :

The expression “patient” shall mean a person who has been admitted into a retreat, and whose term of detention has not expired or been concluded by his discharge :

The term “Principal Act” shall mean “The Inebriates’ Act, 1896.”

AMENDMENT OF ACT 22 OF 1896.

2. The Council or any Municipality or Corporate Town or of any Division may contribute such sums and on such conditions as they may think fit towards the establishment or maintenance of a Retreat under the Principal Act as Amended by this Act, within its Municipality or Division as the case may be, and two or more such Councils may combine for the establishment or maintenance of such Retreat or themselves establish such a Retreat in any such Municipality or any such Division, as the case may be.

3. The period for which a licence may be granted under Section 3 of the Principal Act shall be a period not exceeding two years instead of a period not exceeding twelve months.

4. In Section 7 of the Principal Act a term not exceeding two years shall be substituted for a term not exceeding twelve months.

[C.B. 2—1902.]

5. A person who has at any time been detained in a Retreat may have his time of detention extended, or may be re-admitted in like manner as an inebriate, may be admitted under Section 7 of the Principal Act as Amended by this Act, except that the statutory declaration therein mentioned shall not be necessary and that the attesting Justices of the Peace shall not be required to satisfy themselves that the applicant is an inebriate.

6. (1) If a patient escape from a Retreat, the time between his escape and his return to the Retreat shall not be treated as part of his term of detention in the Retreat.

(2) A warrant under Section 23 of the Principal Act, for the apprehension of a patient who has escaped from a person in whose charge he has been placed under licence, may be issued by any Resident Magistrate Justice of the Peace having jurisdiction in the place where that person resides.

7. (1) In case of the death of a patient absent from a Retreat under licence, a statement of the cause of his death, with the name of any person present at his death, shall be drawn up and signed by a duly-qualified medical practitioner, and copies thereof, duly certified in writing by the person in whose charge the patient had been placed, shall by him be transmitted to the Resident Magistrate of the District and to the Deputy-Registrar of Deaths of the District and to the person by whom the last payment was made for the deceased, or to the Minister.

(2) If the person in charge of the patient fail to comply with the requirements of this section he shall be guilty of an offence against the Principal Act.

8. (1) The Minister may make regulations with respect to :

(a) The procedure on application for admission or re-admission into a retreat, or for the extension of a term of detention of a patient :

(b) The medical or other curative treatment of patients in retreats, including the enforcement of such work as may be necessary for their health :

(c) The inspection of retreats :

(d) Any other measure necessary or proper for carrying into effect the provisions of this Act or the Principal Act.

(2) The regulations made under this section may prescribe forms to be used in substitution of any of the forms prescribed by the Principal Act, and shall, upon confirmation by the Governor and publication in the *Gazette* have the force of law, and any person contravening any such regulation so made, confirmed and published, shall be guilty of an offence against the Principal Act.

CRIMINAL INEBRIATES.

9. (1) Upon conviction, by a Jury or a Court of Resident Magistrate, of any person of an offence punishable with imprisonment, if the Judge or Magistrate before whom the case is tried is satisfied from the evidence that the

offence was committed under the influence of drink; or that drunkenness was a contributory cause of the offence, and the offender admits that he is, or is found by the Jury or Court as the case may be, to be a habitual drunkard, such Judge or Magistrate may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any Inebriate State Reformatory which may be established, or in any certified Inebriate Reformatory as hereinafter provided for, the Managers of which are willing to receive him.

- (2) In any indictment, charge or information under this section, it shall be sufficient, after charging the offence, to state that the offender is a habitual drunkard. In the proceedings on such indictment, charge or information the offender shall, in the first instance, be arraigned on so much only as sets forth or charges the said offence, and if on arraignment he pleads guilty, or is found guilty by the Jury or the Court of Resident Magistrate as the case may be, the Jury or Court shall, unless the offender admits that he is a habitual drunkard, inquire whether he is a habitual drunkard or not, and, in the case of a trial by Jury, it shall not be necessary to swear the Jury again.

Provided that unless the offender has been committed for trial, and evidence that he is a habitual drunkard has been given before such committal, not less than seven days' notice shall be given to the Registrar, or the Clerk of the Court by which the offender is to be tried, that it is intended to charge habitual drunkenness in the indictment, charge or information.

10. If it shall be proved to the satisfaction of any Resident Magistrate that any person charged before him and found guilty of contravening Section 9 of the "Police Offences Act, 1882," has been, during the twelve months preceding the date of such finding, four times convicted of drunkenness by a competent court, it shall be lawful for such magistrate, in lieu of the sentence prescribed by Section 28 of the "Liquor Act, 1891," to sentence such person to be detained for a term not exceeding three years in any certified Inebriate Reformatory the managers of which are willing to receive him.

INEBRIATES REFORMATORIES.

11. The Governor may make regulations for the rule and management of any State Inebriate Reformatory that may be established, and for the classification, treatment, employment and control of persons sent to it, and for their absence under licence; and subject to any adaptations, alterations, and exceptions made by such regulations.

The "Convict Stations and Prisons Management Act, 1888," including the penal provisions thereof shall apply in the case of every such reformatory as if it were a prison: Provided that no regulation should authorise the infliction of corporal punishment in any State Inebriate Reformatory.

12. (1) The Minister, on the application of the Council of any Division or of any Municipality, Borough, or Corporate Town, or of any persons desirous of establishing any inebriate reformatory, may, upon being satisfied as to the fitness of the reformatory and of the persons proposing to maintain it, certify it as an inebriate reformatory, and thereupon, whilst the certificate is in force, the reformatory shall be certified inebriate reformatory within the meaning of this Act.
- (2) The Ministers may make regulations prescribing the conditions on which certificates under this section are to be granted and held, and the circumstances under which they may be withdrawn or resigned.
13. The Minister may make regulations as to :
 - (a) The establishment, management, maintenance, and inspection of certified inebriate reformatories :
 - (b) The classification, treatment, employment and control of the inmates of certified inebriate reformatories, and the application of their earnings.
 - (c) The transfer of such inmates from one such reformatory to another, their absence under license and their discharge : and
 - (d) The transfer of inmates of a State inebriate reformatory to a certified inebriate reformatory, or, in special cases, from a certified inebriate reformatory to a State reformatory.

And any person convicted of a breach of any regulation so made and published in the *Gazette* shall be liable to a fine not exceeding Ten pounds, or in default of payment, to imprisonment with or without hard labour, for not exceeding three months, or to such imprisonment without the option of a fine. In reckoning the period of detention of any person detained in a certified inebriate reformatory, the time during which he is imprisoned under this section shall not be computed.

14. The Minister may appoint inspectors of certified inebriate reformatories and assign them such remuneration as he may determine out of money provided by Parliament for that purpose.

15. It shall be lawful for the Governor to contribute out of money provided for the purpose by Parliament, such sums and on such conditions as he may deem fit towards the expenses of the detention of persons in certified inebriate reformatories.

16. (1) The Council of any Division or of any Municipality, Borough, or Corporate Town may contribute such sums on such conditions as they may deem fit towards, or may themselves undertake, the establishment or maintenance of a reformatory certified or intended to be certified under this Act, and may defray the whole or any part of the expenses of detention of any person in any certified inebriate reformatory, and two or more such Councils may combine for any such purpose.
- (2) Any such Council may borrow for any such purpose in like manner as if it were a purpose for which they are authorised by Law to borrow money.

17. (1) Every officer of the certified inebriate reformatory authorised, in writing by the managers of the reformatory to take charge of any person ordered to be detained under this Act for the purpose of conveying him to or from the reformatory or of apprehending him or bringing him back to the reformatory in case of his escape or refusal to return, shall for that purpose and while engaged in that duty, have all the powers, protections and privileges of a police constable.

2) If any person ordered to be detained in a certified inebriate reformatory escapes therefrom or from the custody or charge he is placed under licence before the expiration of his period of detention, he may be apprehended without warrant and brought back to the reformatory.

18. (1) If it be made to appear to a Judge of the Supreme Court that any person detained in a State or certified inebriate reformatory, has any real or personal property more than sufficient to maintain his family, if any, the Judge may make an order for the payment of the expenses incurred in relation to the detention of that person, and the order may be enforced against any property of that person in the same way as a judgment of the Supreme Court.

(2) The order may be made on application.

(a) In the case of a person detained in a State inebriate reformatory, or such person as may be authorised by the Minister on that behalf.

(b) In the case of a person detained in a certified inebriate reformatory, or the managers of the reformatory, or any two of them, or of any authority contributing to the maintenance of such person.

19. This Act shall be read as one with the principal Act, and may be cited for all purposes as "The Inebriates Act Amendment Act, 1902."

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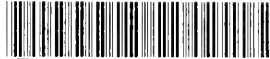
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